

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 26 and 33-38 are pending.

Claim 26 has been amended. It is respectfully submitted that no new matter has been added and that all claims are fully supported by the specification. Amended claim 26 is supported by at least Figure 1 and paragraph 15. Additionally, the nature of the second output having a varying amplitude is supported by at least paragraph 13 since a person skilled in the art would understand that EDGE, CDMA and WCDMA systems, *inter alia*, all employ varying amplitude base band signals. Dependent claims 33-38 include subject matter previously recited in, for example, claims 17 and 26-28.

Claims 1-12, 14-15, 18-19, 22 and 27-32 have been canceled without disclaimer or prejudice to the subject matter contained therein, while claims 13, 16-17, 20-21 and 23-25 were previously canceled without disclaimer or prejudice to the subject matter contained therein.

II. Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-7, 10-13 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vilcocq et al. (U.S. 2004/0041638).

Claims 8-9, 14-15, 18-19, 22 and 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vilcocq et al., and further in view of Perrott et al. (U.S. Patent No. 6,008,703).

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Vilcocq et al., and further in view of Hasson (U.S. 2003/0123566).

Claims 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vilcocq et al. and Hasson, and further in view of Perrott et al.

These rejections are respectfully traversed and reconsideration is respectfully requested.

Claim 26 is directed to a communication device that includes, among other things, a power amplifier that is configured to receive a first output of a baseband

symbol generator from a signal path that includes a fractional-N sigma-delta modulator having a pre-emphasis filter to receive a second output of the baseband symbol generator, and to amplify the first output with a gain that is controlled by a varying amplitude of the second output. It is respectfully submitted that Vilcocq discloses operating in the GSM space and thus, the amplitude does not vary. Vilcocq's system handles phase frequency modulation and not amplitude modulation. It is respectfully submitted that Hasson does not make up for the lack of teaching of Vilcocq. Hasson is directed to a transmitter that includes a sigma-delta N-PSK modulator. The sigma-delta N-PSK modulator includes a non-uniform polar quantitizer. Thus, it is respectfully submitted that even if one were to combine the teachings of Vilcocq and Hasson, one would not arrive at a communication device as recited in claim 26.

Accordingly, it is respectfully submitted that claim 26 is allowable over the cited art. Claims 33-38, either directly or indirectly, depend on claim 26 and therefore, they are allowable for at least the reasons claim 26 is allowable.

Conclusion

Claims 26 and 33-38 are believed to be in condition for allowance. Thus, a Notice of Allowance is earnestly solicited. Please contact the undersigned at (503) 796-2997 regarding any questions or concerns associated with the present matter. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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